

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN

(Official Minutes)

MONTHLY MEETING of the VILLAGE BOARD

Monday, August 1, 2005

President Whowell called the monthly meeting of the Village Board to order at 5:06 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call: Pollitt, Turner, O'Connell, Bromfield, President Whowell, Petersen, Larson

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

Announcement for Board of Trustees to Consider Going Into Closed Session - President Whowell

Bromfield/Petersen 2nd made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (c) Wis. Stats. to “consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” Chapter 19.85 (1) (e) to “deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require,” and Chapter 19.85 (1) (g) to “confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” and the roll call vote followed:

Turner – Yes

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Petersen – Yes

Larson – Yes

Pollitt - Yes

Adjourn Closed Session

Petersen/Bromfield 2nd made a MOTION to adjourn the closed session of the Village Board at 6:11 pm and to reconvene in open session after a five-minute recess, and the MOTION carried without negative vote.

President Whowell announced the Village Board was still in session at 6:16 pm

Also present: Cheryl Bartz, Police Lt. Brad Buchholz, Librarian Nancy Krei, Interim CDA Director Joe McHugh, Police Chief Steve Olson, Bob Rauland, Bob Sandy, Paul Sloth, Cindy Wilson

Visitors Heard

None

Announcements

Hayden-Staggs announced that a joint meeting of the Village Board and Plan Commission will be held Monday, August 8, 2005, at 5 pm; the monthly meeting of the CDA will be held Monday, August 8, 2005, at 6 pm; a Music in the Park event featuring the Great Lakes Naval Band will be held Saturday, August 13, 2005, at 5 pm; the monthly Plan Commission meeting will be held Monday, August 29, 2005, at 6 pm; and the fourth quarter VOF Newsletter article deadline is Friday, September 9, 2005.

Approval of Minutes

Petersen/Bromfield 2nd made a MOTION to approve the minutes for the July 11, 2005 and July 25, 2005 Village Board meetings, and the MOTION carried without negative vote.

Village Treasurer's Report

Petersen/Bromfield 2nd made a MOTION to accept the Treasurer's Report for June 2005 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Bromfield/Larson 2nd made a MOTION to approve the Village and Utility Payables, and the MOTION carried without negative vote.

General Business – President Whowell

Ordinance Revision to Chapter 74-383, Closing of Lake Street

Hayden-Staggs stated that the ordinance revision was proposed in order to reopen Lake Street to traffic on Sundays when there is no pedestrian traffic in the area. President Whowell suggested that he be added as one of the people who could authorize the reopening of the street prior to Mondays at 7:00 am. After discussion, the Board decided to make the chief of police the person who may order Lake Street to be opened to motor vehicle traffic, and to make the normal hours that Lake Street is closed begin at 5:00 pm on Fridays, instead of 6:00 pm.

Bromfield/Turner 2nd made a MOTION to approve Ordinance No. 08-01-05-01 with the conditions that the chief of police is the person authorized to order the reopening of the street and that the normal hours that Lake Street is closed begin at 5:00 pm on Fridays, and the MOTION carried without negative vote.

Approve Land Purchase Agreement with Pheasant Ridge Association

President Whowell stated the Village Board came to a census in its closed session that it is willing pay for 50 percent of the \$39,500 purchase price for the vacant lot at the corner of Indian Hills Road and County Highway B, adjacent to the Pheasant Ridge subdivision. The Pheasant Ridge Association will pay for the other half of the purchase price. The lot will be owned by the Village of Fontana. The Pheasant Ridge property owners have up to five years to pay the Village for their \$600 special assessments, which will be levied by the association. The lot will be kept vacant; however, in the future, right-turn lanes may be added to the roads along the parcel. Bob Rauland stated that the association voted 27-4 to approve the purchase and the levying of a \$600 special assessment on each property owner. The closing date for the land purchase is August 31, 2005.

Turner/O'Connell 2nd made a MOTION to approve the purchase of the lot for \$39,500, with half of the proceeds to be paid back to the Village by the Pheasant Ridge Association property owners within five years of the purchase date, and the MOTION carried without negative vote.

Administrative Report/Finance Committee – Administrator Hayden-Staggs and Trustee Pollitt

State Loan Borrowing

Hayden-Staggs stated that the paperwork is being prepared to have the Village borrow money from the State Fund at about 4.5 percent interest. The Village borrowing will be added to the CDA bond and brought back for final approval.

Impact Fee Discussion

Hayden-Staggs stated that the Finance Committee directed Jim Mann of Ehlers and Associates to revisit the initial proposal to establish impact fees. The Village Board voted against establishing impact fees in 2004. Mann will address the concerns voiced by the Village Board members when they voted to deny the establishment of impact fees.

SmartGrowth Multijurisdictional Grant Application Resolution

Hayden-Staggs stated that because of recent action by the governor, grant funds again are available for the state's SmartGrowth initiative. The proposed resolution authorizes the Village to join in a partnership with the county and other local municipalities in applying for grant monies. The Village will have some cost-sharing bills from the county for its administrative work on the proposal.

Bromfield/Pollitt 2nd made a MOTION to approve Resolution 08-01-05-01, and the MOTION carried without negative vote.

Great-West Retirement Services Adoption Agreement Approval

Hayden-Staggs stated that the Village is required to adopt an amended Great-West Retirement Services Model Plan that uses the IRS model language that was changed by the provisions of IRS Code §457. Great-West provided a restated Model Plan document and Adoption Agreement that use the IRS model language.

Petersen/O'Connell 2nd made a MOTION to approve the amended Great-West Retirement Services Adoption Agreement, and the MOTION carried without negative vote.

Carol and Jamie Howell Claim

Hayden-Staggs stated she was unable to receive prior to the meeting a response from Jamie and Carol Howell with regard to the Village Board's refund offer.

Petersen/Bromfield 2nd made a MOTION to table the matter until the September 12, 2005 meeting, and the MOTION carried without negative vote. President Howell abstained.

Plan Commission – President Howell

Ordinance Amendment to Section 18-17, Regarding Specific Words and Phrases – Building Height Definition

President Howell stated that the proposed ordinance was favorably received by the Plan Commission following a public hearing at its July 25, 2005 meeting.

O'Connell/Turner 2nd made a MOTION to approve Ordinance No. 08-01-05-02 as presented, and the MOTION carried without negative vote.

Approval of Kebbekus CSM

President Howell stated that the staff members and the Plan Commissioners did not have any concerns with regard to the certified survey map filed for Maria Kebbekus, N1548 Wooddale Drive, Linn Township. The Kebbekus parcel is located within the village's extraterritorial plat review jurisdiction.

O'Connell/Bromfield 2nd made a MOTION to recommend Walworth County approval of the CSM as presented, and the MOTION carried without negative vote.

Public Hearing Announcements for August 29, 2005 Plan Commission Meeting

President Howell stated that public hearings are being scheduled before the Plan Commission at its August 29, 2005 meeting for an ETZ Boundary Amendment Petition filed by William Grunow, Linn Township, beginning at about 6:00 pm, and for a Conditional Use Permit Application filed by Patrick and Joanne Hannigan, 653 Hazel Court, Fontana, under the Nonconforming Lots Amendment to the Municipal Code at about 6:30 pm.

Public Works - Trustee Petersen

Ordinance Amendment for Prohibited Discharges (Pool Ordinance)

Petersen stated that the ordinance was drafted to allow pool owners to have pool or spa filter backwash periodically discharged into the village sewer. No discharges will be authorized without prior review and approval by the Building Inspection Department.

Petersen/Pollitt 2nd made a MOTION to approve Ordinance 08-01-05-03 as presented, and the MOTION carried without negative vote.

Approve Repair Cost Estimates for 208 Dewey Avenue

Petersen presented repair cost estimates prepared by Public Works Director Craig Workman for the residence owned by the Village at 208 Dewey Avenue. The renovation work to be completed by Public Works employee Ron Adams will address the basement, kitchen, living area and bedrooms. The low price estimate for the entire proposal is \$9,855, and the maximum is \$12,585. Turner stated that the renovation work should not be completed since the long-range plan for the residence is to tear it down. Turner stated that the lot is located at the Headwaters Spring entrance, and the Village should consider turning the lot into a park. Petersen stated that the residence is in too good of condition to raze it, and the Village can earn some rental revenue on the property during the next

five to 10 years and then raze the home. President Whowell stated that he also thinks the house is in too good of shape to raze it at this time. Larson stated that she favored renting the house until the village breaks even on the renovation costs, and then it should be razed.

Bromfield/Petersen 2nd made a MOTION to approve the 208 Dewey Avenue project list prepared by the Public Works Department at a price not to exceed \$10,000, and the MOTION carried on a 5-2 vote, with Trustees Turner and Pollitt opposed.

Updates on Construction Projects

Petersen stated that the village construction projects are all going according to schedule.

Park Commission - Trustee Larson

Hildebrand Trail Update

Larson stated that the Park Commission is moving forward slowly on the Hildebrand Trail project because the Village is waiting for a DNR ruling on chipped bark trails. A meeting has been scheduled with the new Agrecol representative, and planting is still scheduled to begin by the end of August.

Protection Committee - Chief Olson

Book Tuition Reimbursement Request for Lt. Buchholz

The book tuition reimbursement request was approved with the monthly bills.

Approval of Laser Electric Event Permits

Chief Olson stated that the two Fontana Fire Department applicants for Temporary Operator's Permits, Joe Special and Ken Ryndak, both passed their background checks. The other licensed operator for the beer tent at the Laser Electric event on Saturday, August 6, 2005, Jacob McHugh, already is licensed through Chuck's Lakeshore Inn. The application for the Special Class B Retailer's License for the Fire Department to sell beer and wine coolers at the event also was positively reviewed.

Bromfield/Turner 2nd made a MOTION to approve the issuance of the Temporary Operator's Licenses to Joe Special and Ken Ryndak, and the Special Class B Retailer's License to the Fontana Fire Department for the August 6, 2005 event, with the application fees waived, and the MOTION carried without negative vote.

Lynne Novak Liquor License "Doing Business As" Name Change Approval

Lynne Novak requested approval of a change in the "doing business as" name for the Original Class "B" Beer and "Class B" Liquor combination license that was granted by the Village Board on June 27, 2005 for the premises at 158 Fontana Boulevard. Lynne and Peter Novak registered the recently purchased business as Novak's of Fontana, LLC. Also, instead of doing business as Big Mouth Deli, as indicated on the license application, the Novaks requested approval for a name change to Novak's Deli. The Novaks still have to obtain a Wisconsin Seller's Permit and complete the required inspections before the license can be issued.

Turner/O'Connell 2nd made a MOTION to approve the name change as requested, and the MOTION carried without negative vote.

Parking Lot Municipal Code Enforcement Amendment

Chief Olson stated that the amendment was needed in order for the police officers to issue tickets for municipal violations in parking lots. The proposal, which was supported by the Protection Committee, will be put into ordinance form for Village Board approval at the September 12, 2005 meeting.

Police and Fire Commission

Police Lieutenant Position Probationary Period Approval

Chief Olson stated that the Police and Fire Commission voted to approve taking Police Lt. Brad Buchholz off probation and naming him the department's lieutenant. The Village Board commended Buchholz for completing the terms of his probationary contract.

O'Connell/Larson 2nd made a MOTION to approve the Police and Fire Commission's recommendation naming Brad Buchholz the Fontana Police Department lieutenant, and the MOTION carried without negative vote.

Lakefront and Harbor - Trustee O'Connell

Status Report on Proposed Ordinance Changes for Chapter 54

O'Connell stated that the matter was tabled at the last meeting of the Lakefront and Harbor Committee, and it will be addressed this month.

Fourth of July Profit/Loss Statement

O'Connell stated that according to the spreadsheet distributed by Hayden-Staggs, revenue was down \$4,400 from last year's holiday. O'Connell stated that the lower revenue can be attributed to the poor weather on July 4. The Trustees indicated that next year they would like to review revenue totals for the entire weekend surrounding the holiday, not just for the Fourth of July, which is on a Tuesday in 2006.

F/W WPCC-Trustee Petersen

Monthly Update

Petersen stated that there is nothing new to report and it was business as usual this month at the wastewater treatment plant.

CDA – Trustee Turner

Commissioner McHugh Resignation

Turner reported that McHugh resigned his position on the CDA Board of Commissioners in order to accept the offer to serve as Interim CDA Executive Director. The CDA is seeking a replacement for McHugh on its Board of Commissioners.

Executive Director Position Approval

Turner stated that the CDA Board decided to expand the Executive Director position to a full-time job. Advertisements seeking applicants for the new position have been placed in area newspapers and on the League of Wisconsin Municipalities website. During the interview and hiring process, the CDA voted to hire McHugh as the Interim Executive Director for a salary of \$30 per hour. O'Connell/Pollitt 2nd made a MOTION to ratify the CDA Board's decisions to hire McHugh as the Interim CDA Executive Director for \$30 an hour, and to create the fulltime Executive Director position, and the MOTION carried without negative vote.

Lake Use Committee – Ken Bell

Monthly Update

President Whowell stated that the committee did not meet last month and Bell was not in attendance at the meeting. President Whowell stated that he did distribute to the Trustees copies of the Geneva Lake water level statistics that were recently presented at the annual meeting of the Geneva Lake Level Corporation Board of Directors.

GLEA – Trustee O'Connell

Monthly Update

O'Connell stated that the Geneva Lake Environmental Agency will share an informational booth with the Geneva Lake Conservancy at the annual Walworth County Fair. Both organizations are seeking volunteers to be hosts in the informational booth.

GLLEA – President Whowell

Update on Pending Issues

President Whowell stated that there have been no new developments with regard to the GLLEA operational and governmental issues. It was also reported by the Village Clerk that because of a communication problem, the GLLEA boat patrol officers still had not come to the Village Hall to be sworn-in.

Pending Items for Future Agendas

1. Abbey Bridge Study
2. Floodplain Designation Ordinance Amendment – Pending Approval of Model Ordinance from the NFIPA

Adjournment

Bromfield/Pollitt 2nd made a MOTION to adjourn at 7:17 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Village Board the official minutes will be on file at the Village Hall.

Approved: 10/03/05